

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA *ex* )  
*rel.* KAMAL MUSTAFA AL- )  
SULTAN, )  
Plaintiff/Relator, )  
v. ) Case No. 1:05-CV-02968-TWT  
THE PUBLIC WAREHOUSING )  
COMPANY, K.S.C., et al., )  
Defendants. )

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**DEFENDANT CHARLES TOBIAS SWITZER'S MOTION TO DISMISS  
RELATOR KAMAL MUSTAFA AL-SULTAN'S COMPLAINT**

Defendant Charles Tobias Switzer respectfully moves this Court to dismiss Relator Kamal Mustafa Al-Sultan's Complaint, First Amended Complaint, and Second Amended Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), 12(b)(6), 8, and 9(b).<sup>1</sup> This Motion is based on the attached memorandum of law, any exhibits attached thereto, and any evidence or argument that may be presented at a hearing on this matter.

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<sup>1</sup> Mr. Switzer is specially appearing here solely to seek dismissal of this action as to him. The filing of this motion does not constitute an admission that service has been proper, or that this Court has jurisdiction over this case or Mr. Switzer. Although Mr. Switzer will continue to specially appear until this motion is resolved, for the Court's convenience, Mr. Switzer will not repeat this statement of special appearance in future briefing on this motion.

Respectfully submitted this 22nd day of August, 2016.

/s/ Daniel F. Diffley  
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**LOCAL RULE 7.1D CERTIFICATION**

In accordance with L.R. 7.1D, the undersigned counsel for Defendant Charles Tobias Switzer hereby certifies that, consistent with L.R. 5.1B, the foregoing document was prepared in Times New Roman font, 14 point.

This 22nd day of August, 2016.

/s/ Daniel F. Diffley  
DANIEL F. DIFFLEY  
Georgia Bar No. 221703

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**CERTIFICATE OF SERVICE**

This is to certify that I have this 22nd day of August, 2016, electronically filed the foregoing **Defendant Charles Tobias Switzer's Motion to Dismiss Relator Kamal Mustafa Al-Sultan's Complaint** with the Clerk of the Court using the CM/ECF system, which will automatically send an e-mail notification to the all attorneys of record on this matter.

/s/ Daniel F. Diffley  
DANIEL F. DIFFLEY  
Georgia Bar No. 221703